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| 10/618,247 | 07/11/2003 | Andrew R. Lowry | 030354 | 4611 |
| 26285 | 7590 | 04/21/2009 | EXAMINER | |
| K&L GATES LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222 | | | ULLAH MASUD, MOHAMMAD R | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--|-------------------------------------|
| Office Action Summary | Application No. 10/618,247 | Applicant(s) LOWRY ET AL. |
| | Examiner MOHAMMAD R. ULLAH MASUD | Art Unit 3687 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 December 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 – 5, 8 – 10, 15 – 23, and 39 – 40 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 – 5, 8 – 10, 15 – 23, and 39 – 40 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Status of Claims

- Claims 1 – 5, 8 – 10, 15 – 23, and 39 – 40 are currently pending in the application.
- Claims 24—38 were previously cancelled.
- Claims 6 – 7, and 11 - 14 are “Cancelled”.
- Claims 1, 8 - 10, and 15 are “currently amended” in the application.
- Claims 39 – 40 are new claims.

This Office action responds to the arguments filed by applicant on December 22, 2008, in reply to the previous Office action on the merits, mailed June 25, 2008.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1 – 5, 8 – 10, 15 – 23, and 39 – 40,** are rejected under 35 U.S.C. 102(a) as being anticipated by Hoffman et al. (US 2002/0111891) (hereinafter referred to as Hoffman).

With respect to **Claim 1**, Hoffman discloses a similar computer-implemented method for operating on data representing an account, the method comprising:

setting an activity date for an activity having an accounting impact (see, for example, paragraph [0013] line 1-8);

determining by a computer system a balance value corresponding to net sum of activity for the activity date (see, for example, paragraph [0050] line 1-8);

setting an accounting impact date corresponding to latest accounting impact date among all journals affecting the balance value (see, for example, paragraph [0076]);

setting a journal activity date corresponding to latest processing among all journals affecting the balance value (see, for example, paragraph [0086] line 7-17);

determining by the computer system an as-on value for the account for a given date, wherein determining the as-on value comprises summing balance values for all dates up to and including the given date using a computer system (see, for example, paragraph [0050], [0056] and [0094]);

determining by the computer system an as-of value for the account for a given date, wherein determining the as-of value comprises summing balance values, adjustment values, and compensating values for all dates up to and including the given date using a computer system (see, for example, paragraph [0072] lines 1-15, and [0094]); and

posting, in a database connected to the computer system via a network, an activity record representing account activity, wherein the activity record includes the activity date, the balance

value, the accounting impact date, and the journal activity date (see, for example, paragraph [0070] and [0088]).

With respect to **Claim 2**, Hoffman discloses a similar method, further comprising setting an adjustment value corresponding to sum of activity for the activity date to be applied on subsequent processing dates (see, for example, paragraph [0076]).

With respect to **Claim 3**, Hoffman discloses a similar method, further comprising setting a compensating value corresponding to negative sum of activity for prior processing dates applied on the activity date (see, for example, paragraph [0077] line 1-13).

With respect to **Claim 4**, Hoffman discloses a similar method, further comprising setting an adjustment accounting impact date corresponding to latest accounting impact date among all journals affecting the adjustment value (see, for example, paragraph [0086] line 7-17).

With respect to **Claim 5**, Hoffman discloses a similar method, wherein the activity record is posted to a specific period (see, for example, paragraph [0098] line 1-12).

With respect to **Claim 8**, Hoffman discloses a similar method, further comprising obtaining latest journal accounting impact date (see, for example, paragraph [0116] line 1-5).

With respect to **Claim 9**, Hoffman discloses a similar method, further comprising obtaining latest journal activity date (see, for example, paragraph [0116] line 1-5).

With respect to **Claim 10**, Hoffman discloses a similar method, wherein the as-on value is obtained for a specific period (see, for example, paragraph [0086]).

With respect to **Claim 15**, Hoffman discloses a similar method, wherein the as-of value is obtained for a specific period (see, for example, paragraph [0076]).

With respect to **Claim 16**, Hoffman discloses a similar method, further comprising obtaining total adjustments for the account for a given date by summing adjustment values for all dates up to and including the given date (see, for example, paragraph [0086]).

With respect to **Claim 17**, Hoffman discloses a similar method, further comprising obtaining net adjustments for the account for a given date by summing adjustment values and compensating values for all dates up to and including the given date (see, for example, paragraph [0076] and paragraph [0077]).

With respect to **Claim 18**, Hoffman discloses a similar method, further comprising archiving activity records according to a retention schedule (see, for example paragraph [0011] line 1-9 and line 27-30).

With respect to **Claim 19**, Hoffman discloses a similar method, wherein archiving comprises creating one or more gap records for assuming values from one or more activity records (see, for example, paragraph [0013] and [0049]).

With respect to **Claim 20**, Hoffman discloses a similar method, wherein archiving comprises merging one or more consecutive gap records (see, for example, paragraph [0072] line 15-30).

With respect to **Claim 21**, Hoffman discloses a similar method, wherein archiving comprises creating a new activity record having an activity date equal to the earliest date in the retention schedule that follows a date of the gap record (see, for example, paragraph [0072] line 15-30).

With respect to **Claim 22**, Hoffman discloses a similar method, wherein the new activity record comprises a balance value of zero (see, for example paragraph [0017] and [0167]).

With respect to **Claim 23**, Hoffman discloses a similar method, wherein the retention schedule comprises one or more of a required number of days for maintaining activity records, a required number of months for maintaining activity records, and a required number of years for maintaining activity records (see, for example, paragraph [0105]).

With respect to **Claim 39**, Hoffman discloses a similar method, wherein the database comprises a position/balance database configured to maintain point-in-time tables for recording adjustments to positions and/or balances (see, for example, paragraph [0133]).

With respect to **Claim 40**, Hoffman discloses a similar method, wherein data regarding all journals is stored in a journal database (see, for example, paragraph [0133]).

Response to Arguments

Applicant's arguments filed on December 22, 2008 have been fully considered but they are not persuasive.

Applicant argues that Hoffman does not disclose or suggest determining as-on position. Examiner notes that in paragraph [0050], Hoffman discloses, "The entire contents of the data file generated by the accounting extract process, described previously, are processed by an inventive journal entry generation process that employs the rules in the Master account to process the accounting extract data such that **the result is a set of appropriate account balances for the effective date**, and all the journal entries required to indicate the manner in which the balances were created or maintained" and also discloses in paragraph [0094] that "For example, an accessor arbitrarily named `axpNPV` may be given the function of retrieving the net present value

of a specific annotated trade event from the accounting extract using the above public domain scripting language, or other suitable means".

Applicant also argues that Hoffman does not disclose or suggest determining as-of position.

Examiner notes that in paragraph [0072] Hoffman discloses, "As has been alluded to above, the term "mark-to-market" with respect to a trade means calculating the present value of each instrument in the portfolio using the prevailing market prices or user-entered prices for the date on which the mark-to-market is being performed, **taking into consideration all the financial elements associated with the instrument, and the projected value of the future cash flows involved (coupon payments or other known cash flow events for the instrument discounted to the present**. For example, a \$100 million bond that will pay 6% annually for the next ten years will have the future associated cash flows calculated and, through an algorithm, the total amount of the principal and the future cash flows will discounted to reflect today's vale, in order to take inflation and other factors into consideration."

Hoffman further discloses in paragraph [0133] that "Next, the inventive system compares the nominal balances generated as of the specified effective date with the historic balances for the accounts in subledger 1050 and, in accordance with Meta account rules, updates to the accounts in subledger 1050 are performed, and the journal entries to account for the update to the account balances are generated."

Examiner addresses all of the applicable arguments or remarks by the applicant. Referring to examiner's responses the rejections of the claims 1 – 5, 8 – 10, 15 – 23, and 39 – 40 are appropriate.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD R. ULLAH MASUD whose telephone number is (571)270-5390. The examiner can normally be reached on MONDAY TO THURSDAY 9.00 AM TO 5.30 PM (EASTERN TIME).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW S. GART can be reached on (571)272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. U./
Examiner, Art Unit 3687

/Matthew S Gart/
Supervisory Patent Examiner, Art Unit
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